

## **5.12.200 – Expedited and Middle Housing Land Divisions**

### **Subsection:**

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### **5.12.205 Purpose and Applicability**

- (A) Purpose.** The purpose of the Expedited and Middle Housing Land Division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and 2021 Oregon Laws Ch. 103 (S.B. 458) regarding middle housing land divisions.
- (B) Applicability.** The procedures of this section are applicable to partitions and subdivisions within residential zoning districts as provided in ORS 197.365.

### **5.12.210 Expedited Review**

Expedited land divisions and middle housing land divisions are reviewed under a Type 2 procedure except as provided in this section SDC 5.12.205 to 5.12.235. Where the provisions of this section conflict with the Type 2 procedures in SDC chapter 5, the procedures of this section will prevail.

### **5.12.215 Submittal Requirements**

- (A)** An application for an expedited land division or middle housing land division is subject to the completeness check requirements of SDC 5.1.405 and timeliness provisions of SDC 5.1.410 except as follows:
  - (1)** The timeline for the completeness check in SDC 5.1.405(A) is 21 days, rather than 30 days.
  - (2)** The notice of decision must be provided to the applicant and parties entitled to receive notice under SDC 5.12.215(B), within 63 days of a completed application.
- (B)** Mailed notice of an application for an expedited land division or middle housing land division must be provided in the same manner as for a Type 2 decision, as specified SDC 5.1.425 and 5.1.430, to the following persons:

- (1) The applicant.
  - (2) Owners of record of property, as shown on the most recent property tax assessment roll, located within 100 feet of the property that is the subject of the notice.
  - (3) Any state agency, other local government, or special district responsible for providing public facilities or services to the development area.
- (C) A notice of decision must be provided to the applicant and to all parties who received notice of the application. The notice of decision must include:
- (1) A written determination of compliance or non-compliance with the criteria of approval in SDC 5.12.220 for an expedited land division or SDC 5.12.225 for a middle housing land division.
  - (2) An explanation of the right to appeal the Director's decision to the Hearings Official, as provided in ORS 197.375.

#### **5.12.220 Criteria of Approval – Expedited Land Division**

- (A) The Director will approve or deny an application for expedited land division within 63 days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. The Director may approve the land division with conditions to ensure the application meets the applicable land use regulations.
- (B) The land subject to the application is within the R-1, R-2, or R-3 districts.
- (C) The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.
- (D) The land division does not provide for dwellings or accessory buildings to be located in the following areas:
- (1) The Willamette Greenway Overlay District;
  - (2) The Historic Overlay District;
  - (3) Riparian areas for watercourses shown on the Water Quality Limited Watercourse Map, as defined in SDC 4.3.115(A);
  - (4) Development setbacks for locally significant wetlands and riparian resource areas as defined in SDC 4.3-117(C).
- (E) The land division satisfies the minimum street and right-of-way connectivity standards in SDC 4.2.105 Public Streets, SDC 4.2.125 Intersections; SDC 4.2.135 Sidewalks; SDC 4.2.150 Multi-Use Paths; and SDC 4.2.160 Accessways.

- (F) The land division satisfies the following development standards contained in this code, in an adopted neighborhood refinement plan, or in an applicable Master Plan:
- (1) Applicable lot or parcel dimensional standards;
  - (2) Applicable standards that regulate the physical characteristics of permitted uses, such as building design standards;
  - (3) Applicable standards in this code for transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.
- (G) The land division will result in development that either:
- (1) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
  - (2) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

#### **5.12.225 Criteria of Approval – Middle Housing Land Division**

- (A) The Director will approve a tentative plan for middle housing land division based on whether it satisfies the following criteria of approval:
- (B) The application provides for the development of middle housing in compliance with SDC 4.7.315 as applicable to the original lot or parcel.
- (C) Separate utilities are provided for each dwelling unit.
- (D) The application provides for easements necessary for each dwelling on the plan for:
- (1) Locating, accessing, replacing and servicing all utilities;
  - (2) Pedestrian access from each dwelling unit to a private or public road;
  - (3) Any common use areas or shared building elements;
  - (4) Any dedicated driveways or parking; and
  - (5) Any dedicated common area.
- (E) The application proposed exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels, or tracts used as common areas.

- (F) The application demonstrates that buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, that structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.
- (G) The original parcel or lot dedicated and improved the abutting street right of way sufficient to comply with the following:
  - (1) Minimum right of way and improvement standards SDC 4.2.105(C);
  - (2) Vision clearance areas in SDC 4.2.130;
  - (3) Sidewalks and planter strips in SDC 4.2.135;
  - (4) Street trees in SDC 4.2.140 for street trees; and
  - (5) Street lighting in SDC 4.2.145.

#### **5.12.230 Conditions of Approval - Expedited and Middle Housing Land Division**

- (A) The Director may add conditions of approval of a tentative plan for a middle housing land division or expedited land division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:
- (B) A condition to prohibit the further division of the resulting lots or parcels.
- (C) A condition to require that a notation appear on the final plat indicating that the approval was given under Section 2 of Senate Bill 458 (2021) as a middle housing land division.
- (D) A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

#### **5.12.235 Final Plat for Expedited and Middle Housing Land Division**

- (A) An expedited land division or middle housing land division is subject to the final plat standards and procedures as specified in SDC 5.12.140 to 5.12.150, and to the replat standards and procedures in SDC 5.12.155 to 5.12.165, except as specifically provided otherwise in this section.
- (B) A middle housing land division tentative plan is void if and only if a final plat is not approved within three years of the tentative approval.

#### **5.12.240 Appeals**

This version of the code is dated April 6, 2022 and reflects the Planning Commission recommendation with some additional edits. Changes recommended by the Planning Commission have been incorporated into this version. Additional edits made since the Planning Commission's recommendation are shown in track changes. Areas of the code that are highlighted in grey indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

The procedures in SDC 5.1.800 do not apply to appeals of an expedited land division or middle housing land division. Any appeal of an expedited land division or middle housing land division must be as provided in ORS 197.375. The Approval Authority for any appeal of an expedited land division or middle housing land division is the Hearings Officer.